REMARKS/ARGUMENTS

Claims 1-28 were pending in this application before the present response.

In response to the final Office Action mailed May 12, 2008, Applicants respectfully request that the Examiner amend the present application in the manner set forth in this Amendment. Applicants respectfully submit that this Amendment places this application in condition for allowance by amending claims (in accordance with suggestions of the Examiner) in a manner that is believed to render all pending claims allowable over the cited art.

Claims 1, 10, 12, 13, 24, and 26-28 have been amended in this response. No new matter is added by the amendments. Applicants respectfully submit that this Amendment does not add any new features and does not significantly alter the scope of the claims. Entry of the present Amendment and a Notice of Allowance are respectfully requested.

Claims 1-28 are now pending in this application. Applicant respectfully requests reconsideration and allowance of all pending claims, in view of the amendments and following remarks.

Claim Objection

Claim 10 stands objected to under 37 CFR 1.75(c). Applicants respectfully traverse the objection.

Applicants respectfully submit that the Office Action does not distinguish between the commonly recognized mathematical terms **constant function** and **identity function**, which have meanings that are known in the art.

A **constant function** is a function that returns an invariant value regardless of its argument. By definition, the value of a constant function does not vary, and thus is constant. For example, a linear function of the form $y = K$, where K is a constant (for example, the number 2), is a constant function. For illustrative purposes, on a Cartesian plane, the graph of a constant function would be a horizontal line.

In the function defined by "$f(\text{rcFactor}) = \text{rcFactor}$", f is the **identity function**, and f is not a constant function. By definition, the **identity function** is a function that always returns the same value that was used as its argument. For illustrative purposes, on a

Cartesian plane, the graph of the identity function would be a diagonal line where $(y = x)$, not a horizontal line.

Accordingly, Applicants submit that the limitation in claim 10 concerning "$f(\text{rcFactor}) = \text{rcFactor}$" does not in any way contradict the statement in parent claim 9 that f is not a constant function. Applicants respectfully submit that the function defined by "$f(\text{rcFactor}) = \text{rcFactor}$" is the identity function, and is not a constant function.

Applicants further submit that claim 10 does, in fact, further limit the subject matter of claim 9. The identity function is one of many functions that are not a constant function; accordingly, the identity function is a considerably narrower limitation than merely "not a constant function."

Applicants respectfully request that the objection be withdrawn.

Claim Rejections – 35 U.S.C. § 101

Claim 28 stands rejected under 35 U.S.C. § 101. Applicants thank the Examiner for providing suggested claim language.

Applicants have amended claim 28 to read, "A computer readable storage medium encoding program instructions..." as suggested by the Examiner. Accordingly, Applicants request that the rejection be withdrawn.

Claim Rejections – 35 U.S.C. § 112, ¶ 1

Claims 9 and 23 stand rejected under 35 U.S.C. § 112, first paragraph. For at least the reasons stated above with respect to the Office Action's objection to claim 10 under 37 CFR 1.75(c), Applicants respectfully traverse the rejection.

The Office Action asserts that "no non-constant function f is defined in the specification." Applicants submit that, for the reasons explained in detail above, the function defined by "$f(\text{rcFactor}) = \text{rcFactor}$" is a non-constant function.

Accordingly, Applicants request that the rejection of claims 9 and 23 under 35 U.S.C. § 112, first paragraph, be withdrawn.

Claim Rejections – 35 U.S.C. § 112, ¶ 2

Claims 10, 12, 24, and 26 stand rejected under 35 U.S.C. § 112, second paragraph. Applicants thank the Examiner for providing suggested claim language.

Applicants have amended claims 10, 12, 24, and 26 to clarify that adjustment is conditional on the number of bits being unequal to the number of target bits, as suggested by the Examiner. Accordingly, Applicants request that the rejection be withdrawn.

Claim Rejections – 35 U.S.C. § 103

Claims 1-9, 11, 13-23, 25, 27, and 28 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 5,687,095 to Haskell et al. in view of U.S. Patent Application Publication 2002/0106022 A1 to Satoh et al.

Applicants thank the Examiner for providing suggested claim language. As suggested by the Examiner, Applicants have amended each of the independent claims 1, 13, 26, 27, and 28 to recite a ratio between the number of bits representing a selected frame and a target number of bits for the selected frame.

Since this feature is missing from Haskell et al., and because Satoh et al. fails to supply features missing from Haskell et al., the combination of Haskell et al. and Satoh et al. cannot suggest the invention and cannot render the claims obvious. Thus, no matter how Haskell et al. and Satoh et al. may be combined, the resulting combination is not the invention recited in any of independent claims 1, 13, 26, 27 and 28. Likewise, each of the dependent claims 2-12 and 14-25, which depend, respectively, on claims 1 and 13 and incorporate all of the limitations thereof, are similarly patentable.

Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1-28 under 35 U.S.C. § 103(a).

Conclusion

In view of the foregoing discussion, it is believed that claims 1-28 are allowable over the cited art. Applicants respectfully submit that all pending claims, as amended, are in condition for allowance, and earnestly request that all objections and rejections of the claims be withdrawn and a Notice of Allowance be entered at the earliest date

possible.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution.

Respectfully submitted,

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